

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

THE PROCTER & GAMBLE COMPANY, )  
  )  
  )  
Plaintiff,                         ) Civil Action No. 9:08-cv-00143-RC  
  )  
  )  
v.                                    )  
  )  
S.C. JOHNSON & SON, INC.,      )  
  )  
  )  
Defendant.                         )  
  )

**STIPULATION AND ORDER OF DISMISSAL**

Upon the consent of The Procter & Gamble Company (“P&G”) and S.C. Johnson & Son, Inc. (“SCJ”), the Court issues the following Stipulation and Order of Dismissal (“Order”):

1. This is an action by P&G on the following claims: (i) infringement of U.S. Patent No. 5,783,544; (ii) infringement of U.S. Patent No. 6,077,318; and (iii) infringement of U.S. Patent No. 6,248,135.
2. SCJ raised various defenses and counterclaimed in this action on the following claims: (i) declaratory judgment of noninfringement of U.S. Patent Nos. 5,783,544, 6,077,318 and 6,248,135; (ii) declaratory judgment of invalidity of U.S. Patent Nos. 5,783,544, 6,077,318 and 6,248,135; (iii) and declaratory judgment of unenforceability of U.S. Patent No. 5,783,544.
3. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a) and 2201–02.

4. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because SCJ, for purposes of this action, is subject to personal jurisdiction in this District and because P&G has availed itself of this Court.

5. P&G and SCJ have agreed to settle their disputes in this action.

6. P&G consents to dismissal with prejudice of all of its claims in this action, Claims I-III.

7. SCJ consents to dismissal as moot and without prejudice of its defenses and counterclaims in this action, Counterclaims I-III.

WHEREFORE IT IS ORDERED as follows:

1. P&G's Claims I-III are hereby dismissed with prejudice.

2. SCJ's defenses and Counterclaims I-III are hereby dismissed as moot and without prejudice.

3. P&G and SCJ shall each bear their own attorney fees and costs incurred in connection with this action.

Dated: August 25, 2009

<p>/s/ <u>David M. Maiorana</u></p> <p>Thad Heartfield Texas Bar No. 09346800 M. Dru Montgomery Bar No. 24010800 <b>THE HEARTFIELD LAW FIRM</b> 2195 Dowlen Road Beaumont, Texas 77706 Telephone: (409) 866-3318 Facsimile: (409) 866-5789 Email: jth@jth-law.com Email: dru@jth-law.com</p> <p>Kenneth R. Adamo Bar No. 00846960 Paul W. Schrier Bar No. 24037450 <b>JONES DAY</b> 2727 N. Harwood Street Dallas, Texas 75201-1515 Telephone: (214) 220-3939 Facsimile: (214) 969-5100 Email: kradamo@jonesday.com Email: pwschrier@jonesday.com</p> <p>David M. Maiorana Susan M. Gerber <b>JONES DAY</b> North Point, 901 Lakeside Avenue Cleveland, Ohio 44114 Telephone: (216) 586-3939 Facsimile: (216) 579-0212 Email: dmaiorana@jonesday.com Email: smgerber@jonesday.com</p> <p><i>Attorneys for The Procter &amp; Gamble Company</i></p>	<p>/s/ <u>Jeanne M. Heffernan (w/ permission)</u></p> <p>Robert C. Bunt State Bar No. 00787165 Robert M. Parker Bar No. 15498000 <b>PARKER BUNT &amp; AINSWORTH, P.C.</b> 100 East Ferguson, Suite 1114 Tyler, Texas 75702 Telephone: (903) 531-3535 Fax: (903) 533-9687 rmparker@pbatyler.com rcbunt@pbatyler.com</p> <p>Claude E. Welch (Bar No. 21120500) <b>LAW OFFICE OF CLAUDE E. WELCH</b> P.O. Box 1574 Lufkin, Texas 75902 Telephone: (936) 639-3049 Fax: (936) 639-3049 cewlech@consolidated.net</p> <p>T. John Ward, Jr. (Bar No. 00794818) <b>WARD &amp; SMITH LAW FIRM</b> 111 W. Tyler St. Longview, Texas 75601 Telephone: (903) 757-6400 Fax: (903) 757-2323 jw@jwfirrm.com</p> <p>John M. Desmarais Peter J. Armenio (admitted <i>pro hac vice</i>) Jeanne M. Heffernan (admitted <i>pro hac vice</i>) <b>KIRKLAND &amp; ELLIS LLP</b> 153 East 53<sup>rd</sup> Street New York, New York 10022-4675 Telephone: (212) 446-4800 Fax: (212) 446-4900 jdesmarais@kirkland.com parmenio@kirkland.com jheffernan@kirkland.com</p> <p><i>Attorneys for S.C. Johnson &amp; Son, Inc.</i></p>
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this pleading was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rules CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by regular mail on this the 25<sup>th</sup> day of August, 2009.

*/s/ David M. Maiorana*  
David M. Maiorana